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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,072	02/12/2002	Michael Cook	CIS01-32(5136)	7574

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EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,072

Applicant(s)

COOK ET AL.

Examiner

Joseph E. Avellino

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/17/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4, 6-11, 13-15 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4, 6-11, 13-15 and 17-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 2-4, 6-11, 13-15, and 17-30 are pending in this examination. The Office acknowledges the cancellation of claims 1, 5, 12, and 16, and the addition of claims 27-30.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. The claims discuss the RTP packet, however in the independent claims an RTSP packet is used. Correction is required. This appears to be a typographical error and for examination purposes will be understood to be the same.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2-4, 6-11, 13-15, and 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham et al. (USPN 6,493,765) (hereinafter Cunningham) in view of Applicants Admitted Prior Art (hereinafter AAPA).

6. Referring to claim 2, Cunningham discloses a method for managing network traffic using network address translation, the method comprising the steps of:

In the NAT data structure 102, creating a first entry to coordinate first data flow (i.e. source address translation table entry) from a server to a client (i.e. from one source host to a destination host), and concurrently (the Office takes the term concurrently meaning substantially the same time) creating a second entry (i.e. destination address translation table entry) to coordinate a second data flow from the client to the server (col. 5, line 53 to col. 6, line 5);

conveying a data element of the first data flow from the server to the client based on the first entry (the server uses the NAT table 102 in order to send packets to the client) (col. 9, lines 29-60; Figure 7); and

conveying a data element of the second data flow from the client to the server based on the second entry (the client uses the NAT table to send packets to the server) (col. 10, lines 38-45; Figure 7).

Cunningham does not disclose the first data flow is a RTSP packet, and the second data flow is a RTCP packet. AAPA discloses the first data flow is a RTSP packet, and the second data flow is a RTCP packet (p. 2, line 19 to p. 3, line 8). It would have been obvious to one of ordinary skill in the art to combine the teaching of Cunningham with AAPA since Cunningham states that the invention can be used with any protocol and should not be limited to a specific information format or communication protocol (col. 18, lines 33-40). This would lead one of ordinary skill in the art to search

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for other protocols which can utilize the features of Cunningham, eventually finding the well known features presented in AAPA.

7. Referring to claim 3, Cunningham discloses the invention substantively as described in claim 1. Cunningham does not disclose the first data element stores a port number X , and the second data element stores a second port number $X+1$. AAPA discloses storing a first data element stores a port number X , and the second data element stores a second port number $X+1$ (p. 3, lines 9-17). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Cunningham with AAPA in order to allow a standardized method of allowing streaming audio and video to the clients of Cunningham, while effectively controlling throughput and synchronization of the data stream.

8. Referring to claim 4, Cunningham discloses configuring the data communications device to operate as a gateway between a first network in which multiple servers (i.e. hosts) reside, and a second network in which multiple clients (i.e. hosts) reside, wherein the multiple servers includes the server from which the data element of the first data flow is conveyed, and wherein the multiple clients include the client from which the data element of the second data flow is conveyed (Figure 1; col. 4, lines 45-67).

9. Claims 6-11 are rejected for similar reasons as stated above.

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10. Claim 13, recites substantively the same invention as stated above, with the added limitation of "receiving a command from the server to create a second entry to coordinate a second data flow from the client in response to the command" which would be inherent to the system of Cunningham since a server is defined in the art as "a computer which sends information to another computer". By that rationale, claims 14-15, and 17-23, 25, are rejected for similar reasons as stated above.

11. Referring to claims 24 and 26, Cunningham in view of AAPA disclose the invention substantively as described in claims 23 and 25. Cunningham in view of AAPA do not specifically disclose the packet has a TTL field resulting in expiration prior to reaching the client. However it is well known that packets with TTL fields can be used to send messages to those entities which are only logically a certain distance away (i.e. sending a packet with a TTL field of 1 will result in sending a packet to only those computers which are adjacent to the sender computer). By this rationale, "Official Notice" is taken that both the concept and advantages of providing for a packet which has a TTL field resulting in expiration prior to reaching the client is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to modify the teaching of Cunningham and AAPA in order to control the propagation of packets within a network, thereby limiting traffic on the network and reducing the overall congestion on the networks.

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12. Referring to claims 27-30, it is well known in the art that the RTP packet includes a first address/port number of the server and an address/port number of the client, the first address being locally defined on a first network including a plurality of servers from which the RTP packet is sent to the client (a server farm is well known to have a local address and a global address, normally directed to a gateway router or to a master server) and RTCP packets includes the address and a second port number of the client and the second address and a second port number of the server (these are all well known features of RTSP/RTCP session establishing and details can be found in RFC 1889 discussing RTCP and RFC 2326 discussing RTSP supplied with the previous Office Action as pertinent prior art);

the first and second entries of the NAT data structure are created in response to receipt of the RTP packet (see rejection above and Cunningham col. 5, line 50 to col. 6, line 5), each entry including first and second network data which are included in the RTSP and RTCP packet (an inherent feature to any NAT table entry) and using the data element to convert packets between the client and the server (an inherent feature of any NAT table).

Response to Arguments

13. The Office has considered the arguments with regards to the 112, first paragraph rejection of claims 24 and 26. This rejection is withdrawn.

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14. Applicant's other arguments filed June 17, 2005 have also been fully considered but they are not persuasive.

15. Applicant argues, in substance, that (1) there is no suggestion to combine Cunningham with AAPA.

16. As to point (1) Applicant's attention is drawn to ¶ 6 of this Office Action which other motivation of the combination of the references has been provided.

Conclusion

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

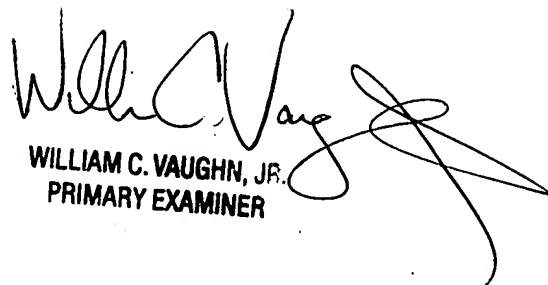
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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18. Applicant has failed to seasonably challenge the Examiner's assertions of well known subject matter in the previous Office action(s) pursuant to the requirements set forth under MPEP §2144.03. A "seasonable challenge" is an explicit demand for evidence set forth by Applicant in the next response. Accordingly, the claim limitations the Examiner considered as "well known" in the first Office action, are now established as admitted prior art of record for the course of the prosecution. See *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA
June 29, 2005